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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,377	12/22/1999	MASATO NISHIKAWA	TAIYO40.001A	6066

20995 7590 06/02/2004

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
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2674

18

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,377

Applicant(s)

NISHIKAWA ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-18, 20, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9, 12-14, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11, 16-18 and 22 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Response to Amendment

1. The request for reconsideration filed on 9/15/03 has been entered. Claims 1-14, 16-18, 20, and 21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 11, 16-18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimasa et al (EP 0 884 691 A2) in view of Hisatomi et al (JP411232026).

As per claims 1, 2, and 22, Yoshimasa et al teach a touch operating input device 5 comprising a display device 2 for displaying operation function items and a touch panel 5 which is provided separately from the display device 2 and which is selecting the function items by touch operation, wherein a touch-operation guide shape is formed on the touch operation face of said touch panel (col. 6, lines 10-19, fig. 1). Yoshimasa et al teach a touch-operation input device further comprising control means for controlling said display device to display an image representing the touch-operation guide shape, the image being overlapped (superposed) with the operation function items (fig. 8). Yoshimasa et al do not teach a touch-operation guide shape which is formed with convex or concave ribs on the touch-operation but Hisatomi et al teach an image display 206 which is arranged on the front surface and a pointing device 208 is laid out for

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moving the cursor by touching the opposed back side with a finger. The pointing device 208 is made right circular and by raising ribs 209 on the circumference and its concentric circle, the user can select the cursor on the image display 206 only by blind rotary operation watching an operating device itself (see abstract).

It would have been obvious to one of ordinary skill in the art to utilize the rib members taught by Hisatomi et al in to the touch-operating device of Yoshimasa et al because it would allow a user to operate the touch panel with more accuracy knowing exactly the touching area and at the same time providing a feel to human touch.

As per claim 11, the shape of the rib members taught by Hisatomi et al can be convex or concave shapes as claimed (fig. 2).

As per claims 16-18, Hisatomi et al teach a touchpad including a portion which is usable for button function to select items on a computer display panel. The image can be overlapped with the operation function items as claimed (col. 6, lines 14-20).

Allowable Subject Matter

4. Claims 3-9, 12-14, 20, and 21 are allowed.

Claims 3-7, 12-14, 20, and 21 are allowed for the same reasons given in previous action.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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As per claim 10, a touch-operating input device wherein at least one of the convex shape and the concave shape is disposed at least one position serving as a reference for determining a position on the touch-operation face.

Response to Arguments

5. Applicant's arguments filed 03/08/04 have been fully considered but they are not persuasive.

Applicant argues about Yoshimasa et al not teaching an image on the display that has substantially the same geometrical shape as the touch-operation guide shape formed with the ribs and the operation function items are superposed on the image. Contrary to applicant's arguments, Hisatomi et al discloses ribs with geometrical shape so that a user can perform blind touch operation. The ribs having a geometrical shape and the actual image being displayed on the screen would obviously take the same shape of the geometrical shape and that the function items are superposed on the image as claimed. Therefore, the rejection finally stands.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is 703-305-3973. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM or via email: ronald.laneau@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached at 703-305-4709.

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7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

Ronald Laneau
Examiner
Art Unit 2674

rl
May 21, 2004


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
5/27/04